

Assembly Constitutional Amendment

No. 14

Introduced by Assembly Member Steinberg

March 24, 2003

Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 16 to Article XI thereof, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 3 of Article XIII D thereof, relating to local development.

LEGISLATIVE COUNSEL'S DIGEST

ACA 14, as introduced, Steinberg. Local government: special taxes: local development.

The California Constitution conditions the imposition of a special tax by a city, county, special district, or local governmental entity, other than certain school entities, upon the approval of $\frac{2}{3}$ of the voters of the city, county, or special district voting on that tax in an election.

This measure would authorize a local government, with the approval of only a majority of its voters voting on the proposition in an election, to impose a special tax that it is otherwise authorized by law to impose, if the tax is imposed exclusively to fund projects for local infrastructure, as provided. This measure would also make conforming or technical, nonsubstantive changes to related provisions.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring,* That the
- 2 Legislature of the State of California at its 2003–04 Regular

1 Session commencing on the second day of December 2002,
2 two-thirds of the membership of each house concurring, hereby
3 proposes to the people of the State of California that the
4 Constitution of the State be amended as follows:

5 First—That Section 16 is added to Article XI thereof, to read:

6 SEC. 16. (a) A local government may impose, with the
7 approval of a majority of the voters voting on the issue in an
8 election, any special tax that it is otherwise authorized by law to
9 impose, if that tax is imposed exclusively for the purpose of
10 funding local infrastructure in accordance with subdivisions (b)
11 and (c).

12 (b) (1) A local government may submit a special tax to its
13 voters pursuant to subdivision (a) only if both of the following
14 have occurred:

15 (A) The local government proposing the tax, in conjunction
16 with a local infrastructure citizen's advisory committee appointed
17 by the legislative body of that local government, has developed an
18 infrastructure plan.

19 (B) The legislative body of the local government proposing the
20 tax has approved the infrastructure plan.

21 (2) The proposed infrastructure expenditure plan shall include
22 all of the following provisions:

23 (A) A designation of an agency of the local government
24 proposing the tax that will implement, administer, and authorize
25 expenditures under the infrastructure expenditure plan.

26 (B) A requirement that the local infrastructure citizen's
27 advisory committee be vested with the authority to review the
28 administering local government agency's compliance with the
29 infrastructure expenditure plan.

30 (C) A requirement that any proposed amendment to the
31 infrastructure expenditure plan be approved in accordance with
32 either or both of the following:

33 (i) A two-thirds vote of the membership of the governing board
34 of the local government imposing the tax.

35 (ii) A majority of the qualified voters of the local government
36 imposing the tax voting on the amendment in an election.

37 (c) (1) Revenues, net of refunds, derived from a tax imposed
38 in accordance with subdivision (a) shall be exclusively allocated
39 for expenditure, as authorized by paragraph (2), for the following
40 local infrastructure purposes:



1 (A) General infrastructure.

2 (B) Conservation of land dedicated to agricultural use,
3 recreational use, or open-space use, and the maintenance and
4 creation of neighborhood parks.

5 (C) Construction, acquisition, and rehabilitation of emergency
6 shelters, and the provision of housing, including rental housing,
7 that will be affordable to persons of lower income households or
8 very low income households for not less than 55 years.

9 (D) Neighborhood improvements.

10 (2) The revenues derived from any tax imposed pursuant to
11 subdivision (a) shall be allocated for expenditure in compliance
12 with the following percentages:

13 (A) Not more than 25 percent for the purposes described in
14 subparagraph (A) of paragraph (1).

15 (B) At least 25 percent for the purposes described in
16 subparagraph (B) of paragraph (1).

17 (C) At least 25 percent for the purposes described in
18 subparagraph (C) of paragraph (1).

19 (D) At least 25 percent for the purposes described in
20 subparagraph (D) of paragraph (1).

21 (d) For purposes of this section:

22 (1) “Agricultural use” has the same meaning as that term is
23 defined in subdivision (b) of Section 51201 of the Government
24 Code, or any successor to that subdivision.

25 (2) “Local government” means any county, city, city and
26 county, including a charter city or county, any special district, or
27 any other local or regional governmental entity.

28 (3) “Lower income households” has the same meaning as that
29 term is defined in subdivision (a) of Section 50079.5 of the Health
30 and Safety Code, or any successor to that subdivision.

31 (4) “Open-space use” has the same meaning as that term is
32 defined in subdivision (o) of Section 51201 of the Government
33 Code, or any successor to that subdivision.

34 (5) “Recreational use” has the same meaning as that term is
35 defined in subdivision (n) of Section 51201 of the Government
36 Code, or any successor to that subdivision.

37 (6) “Special tax” does not include an ad valorem tax on real
38 property or a transactions tax or sales tax on the sale of real
39 property.

(7) “Very low income households” has the same meaning as that term is defined in Section 50105 of the Health and Safety Code, or any successor to that subdivision.

Second—That Section 4 of Article XIII A thereof is amended to read:

Section 4. ~~Cities, Counties and special districts, Except as otherwise provided by Section 16 of Article XI, a city, county, or special district, by a two-thirds vote of the qualified electors of such district its voters voting on the proposition in an election, may impose special taxes on such district a special tax within that city, county, or special district, except an ad valorem taxes tax on real property or a transaction transactions tax or sales tax on the sale of real property within such City, County that city, county, or special district.~~

Third—That Section 2 of Article XIII C thereof is amended to read:

SEC. 2. ~~Local Government Tax Limitation.~~ Notwithstanding any other provision of this Constitution:

(a) ~~All taxes—A tax imposed by any local government shall be deemed to be is either a general taxes tax or a special taxes tax. Special—A special purpose districts district or agencies agency, including a school districts, shall have district, has no power authority to levy a general taxes—tax.~~

(b) ~~No—A local government may not impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote of its voters voting on the proposition in an election. A general tax shall is not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.~~

(c) Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, ~~shall may~~ continue to be imposed only if *that general tax is* approved by a majority vote of the voters voting in an election on the issue of the imposition, which election ~~shall be is held within two years of the~~

1 ~~effective date of this article~~ *no later than November 6, 1998*, and
2 in compliance with subdivision (b).

3 (d) ~~No~~ *Except as otherwise provided by Section 16 of Article*
4 *XI*, local government may *not* impose, extend, or increase any
5 special tax unless and until that tax is submitted to the electorate
6 and approved by a two-thirds vote *of its voters voting on the*
7 *proposition in an election*. A special tax ~~shall~~ is not ~~be~~ deemed to
8 have been increased if it is imposed at a rate not higher than the
9 maximum rate so approved.

10 Fourth—That Section 3 of Article XIII D thereof is amended to
11 read:

12 SEC. 3. ~~Property Taxes, Assessments, Fees and Charges~~
13 ~~Limited.~~ (a) ~~No~~ *An agency may not assess a tax, assessment, fee,*
14 *or charge shall be assessed by any agency* upon any parcel of
15 property or upon any person as an incident of property ownership
16 except:

17 (1) The ad valorem property tax imposed pursuant to Article
18 XIII and Article XIII A.

19 (2) Any special tax receiving, *as applicable*, a two-thirds vote
20 pursuant to Section 4 of Article XIII A *or Section 2 of Article*
21 *XIII C, a 55-percent vote pursuant to subdivision (c) of Section 1*
22 *of Article XIII A, or a majority vote pursuant to Section 16 of*
23 *Article XI*.

24 (3) Assessments as provided by this article.

25 (4) Fees or charges ~~for property-related~~ *property-related*
26 *services* as provided by this article.

27 (b) For purposes of this article, fees for the provision of
28 electrical or gas service ~~shall~~ are not ~~be~~ deemed charges or fees
29 imposed as an incident of property ownership.